

REMARKS

Claims 1-32 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 121 Restriction:

Applicants mailed to the Office a petition on November 9, 2005, under 37 CFR 1.144 for withdrawal of the restriction requirement which the Examiner made final in the previous Action. The petition was mistakenly submitted under the incorrect application no. 10/009,697. Accordingly, the Petition is resubmitted herewith under the correct application no.

Section 112, First Paragraph, Rejection:

The Examiner rejected claims 15-27 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner contends that the phrase “presenting to a particular approver only those items for which the particular approver is identified, and wherein the items for which the particular approver is identified are less than all of the plurality of items specified in said particular purchasing requisition” does not have support in the original specification. However, as explained below, support for this phrase is clearly found in the original specification.

The original specification clearly describes that an individual approver may be identified as an approver of a sub-set of line items of a particular requisition and that he or she may only be presented with line items for which they are identified as an approver. For example, paragraph 20 includes the following description: “From the in-box, the approver is able to automatically approve or decline the line items they are responsible

for in the requisition.” Similarly, paragraph 17 describes, “a system and a method for accepting in-bound order requests with a matrix of approvers with each approver authorized to approve the purchasing of one or more line itemized goods or services.” Paragraph 66 states: “The approval graph 520 provides a matrix of identified approvers for a particular requisition. The approval graph 520 contains information about the lines to which each approver is added.” Finally, in paragraph 67, the presentation of a sub-set of line items for approval is clearly described in paragraph 67 as follows: “Thus, once a user submits the requisition, the process manager module 310 may send an email to the first set (first in each of the parallel chains) of approvers with only relevant lines items requiring their approval. In other words, a particular approver only sees the line items that are relevant for him/her.”

Applicants assert that the above-noted and other references to sub-sets of line items, as well as to presenting a partial list of line items to an individual approver, clearly support the phrase objected to by the Examiner. As repeatedly stated by the Board of Patent Appeals & Interferences and by the Court of Appeals for the Federal Circuit, it is well settled that the claimed invention does not have to be described in *ipsis verbis* in order to satisfy the description requirement of §112. *Jacobs v. Lawson*, 214 USPQ 907, 910 (B.P.A.I. 1982). “The subject matter of the claim need not be described literally in order for the disclosure to satisfy the description requirement,” *M.P.E.P. 2163.02*. As long as the description “allows persons of ordinary skill in the art to recognize that [the inventors] invented what is claimed” then the description requirement is satisfied. *In re Gosteli*, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). As shown above, one skilled in the art would easily recognize the claimed invention from Applicants’ original disclosure. The Examiner’s application of the description requirement in the Final Action is “yet another instance of the sort of ‘hypertechnical application’ of the written description requirement of §112” that has been repeatedly criticized by the court. *In re Driscoll*, 195 USPQ 434, 438 (C.C.P.A. 1977); *In re Johnson*, 558 F.2d 1008, 194 USPQ 187 (CCPA 1977); *Engineering Development Laboratories v. Radio Corp. of America*, 68 USPQ 238, 241-42 (2d Cir. 1946).

Additionally, the Examiner has the burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the claimed invention. *Ex parte Sorenson*, 3 USPQ2d 1462, 1463 (Bd. Pat. App. & Inter. 1987). The Examiner has not met his burden for presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the claimed invention. The Board has held that “a bare assertion by the Examiner” is insufficient for an assertion that the description requirement is not met. *Sorenson*, 3 USPQ2d at 1463 (Bd. Pat. App. & Inter. 1987). The Examiner has the burden to present evidence or reasons, not just bare assertions, why persons skilled in the art would not recognize support for the claimed invention. *In re Wertheim*, 191 USPQ 90 (CCPA 1976). Here, the Examiner has done nothing more than make a “bare assertion” that a particular phrase in claim 15 is not supported. Thus, the Examiner has clearly failed to establish a *prima facie* rejection under 35 U.S.C. § 112, first paragraph.

Section 103(a) Rejection:

The Examiner rejected claims 15-27 under 35 U.S.C. § 103(a) as being unpatentable over Gardner et al. (U.S. Patent 5,758,327) (hereinafter “Gardner”). Applicants respectfully traverse this rejection for at least the following reasons.

The Examiner states: “Gardner discloses a central computer system, e.g., 10, connected to a distribution provider, e.g., 34, and vendors, e.g., 24, 26, 28 for providing purchasing requests from a workflow catalog database, comprising an electronic purchasing approval/disapproval system comprising a process, e.g. 56, having a line item approval module where at least one approver, e.g., a requestor, approves, e.g., cols. 3-4, line vetoes, only items identified as being fit to be approved. It is noted that, as understood, Gardner comprises a particular approver.”

Applicants note that the language included in the Examiner’s remarks above is completely different from Applicants’ claim language and does not describe the limitations recited therein. For example, independent claim 15 does not recite “a line

item approval module where at least one approver, e.g., a requestor, approves, ... line vetoes, only items identified as being fit to be approved.” Instead, it recites, “a line item approval module, in response to receiving a particular purchase requisition associated with a particular purchasing request, for processing approval of a plurality of items specified in said particular purchasing requisition on a line-by-line basis, wherein one or more approvers are identified for each of the plurality of items, wherein said processing approval comprises presenting to a particular approver only those items for which the particular approver is identified, and wherein the items for which the particular approver is identified are less than all of the plurality of items specified in said particular purchasing requisition.” Thus, the Examiner has not stated a *prima facie* rejection.

Furthermore, the Examiner’s summary of cols. 3-4 of Gardner is incorrect. For example, the Examiner seems to equate “one or more approvers are identified for each of the plurality of items” as recited in Applicants’ claim 15 to “at least one approver, e.g., requestor” in Gardner. First, there is nothing in Gardner to teach or suggest that a requestor in Gardner is also an approver of the requisition he or she has submitted. Instead, column 3, lines 48-52, states: “If the requisition file includes more than one requested item for purchase, there may be line vetoes of some items and line approvals of other items. Files having line vetoes are preferably redirected to the requestor, who can then reconsider the purchase of the remaining items.” That is, if any line items are vetoed by an authorized approver, the requestor may decide not to pursue ordering those items, such as by resubmitting his or her request. Furthermore, the Examiner’s characterization that, “an approver approves, e.g., cols. 3-4, line vetoes, only items identified as being fit to be approved” is completely unsupported by Gardner. There is nothing in Gardner that describes an approver approving or line vetoing only items identified as being fit to be approved.

Gardner describes his authorization process in col. 3, lines 32-43, as follows:

The appropriate company-specific requisition rules are selected according to the affiliation of the requestor with one of the companies. The requisition rules include an authorization matrix. The authorization matrix dictates the individuals within the company that must sign in order

to provide proper approval of the requisition. The requisition file and its attachments are routed through the authorization process according to a routing engine that identifies the person-to-person sequence. The requisition rules may include information related to delegation of the required authorization signature and may include designation of agents for delegating signatures.

Thus, Gardner clearly describes that a requisition is routed, in its entirety, to a sequence of approvers. There is nothing in columns 3-4 or elsewhere in Gardner that teaches or suggests that anything other than an entire requisition, whether in a single document/file or in a folder containing multiple sub-requisitions, is routed to any of the approvers in the person-to-person sequence dictated by the authorization matrix, as described in the citation above. There is nothing in cols. 3-4, or elsewhere in Gardner, that teaches or suggests presenting to a particular approver only those items for which the particular approver is identified, as recited in Applicants' claim 15.

The Examiner does not address the "process manager ..." limitation of claim 15 other than to admit that Gardner does not disclose the term "process manager" and to take Official Notice that, "process managers in data application comprising graph functions have been common knowledge in the computer database art, as is electronic mail delivery." The Examiner asserts that to have provided such for Gardner would have been obvious to one of ordinary skill in the art. Applicants traverse. First, claim 15 does not recite a process manager comprising graph functions. Instead, claim 15 recites "a process manager for managing the approval process in said line item approval module." Since the Examiner did not take Official Notice of the particular type of process manager recited in claim 15, the Examiner has not stated a *prima facie* rejection. Second, even if a process manager as recited in claim 15 was known in the prior art, the Examiner did not state any motivation to modify the system of Gardner to include such a process manager.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974); MPEP 2143.03. Furthermore, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so in the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As shown above, the Examiner has not shown that all limitations of Applicants' claimed invention are taught or suggested by the prior art. Nor did the Examiner provide any motivation to modify the teachings of Gardner. Therefore, the Examiner has clearly failed to establish a *prima facie* rejection of claim 15 under 35 U.S.C. § 103(a).

In regard to claim 16, the Examiner admits that Gardner does not disclose the term "process manager" nor a graph. The Examiner takes Official Notice that, "process managers in data application comprising graph functions have been common knowledge in the computer database art, as is electronic mail delivery." The Examiner asserts that to have provided such for Gardner would have been obvious to one of ordinary skill in the art. Applicants traverse. First, claim 16 does not recite a process manager comprising graph functions. Instead, claim 16 recites "wherein said process manager comprises a graph generator for generating an approval graph of identified approvers of the plurality of items specified in said particular purchasing requisition, and wherein for each identified approver said approval graph indicates the items for which the approver is identified." Since the Examiner did not take Official Notice of the particular limitations recited in claim 16, the Examiner has not stated a *prima facie* rejection. Second, even if process managers comprising graph functions were known in the prior art, the Examiner did not state any motivation to modify the system of Gardner to include a process manager comprises a graph generator.

To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974); MPEP 2143.03. Furthermore, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so in the prior art. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As shown above, the Examiner has not shown that all limitations of Applicants' claim 16 are taught or suggested by the prior art. Nor did the Examiner provide any motivation to modify the teachings of Gardner. Therefore, the

Examiner has clearly failed to establish a *prima facie* rejection of claim 16 under 35 U.S.C. § 103(a).

In regard to claims 17-27, the Examiner did not even attempt to address the specific limitations of each of these claims. Therefore, no *prima facie* rejection under 35 U.S.C. § 103(a) has been stated for claims 17-27.

Information Disclosure Statements:

Applicants filed additional Information Disclosure Statements with accompanying Forms PTO-1449 on November 25, 2005 and February 21, 2006, respectively. Applicants respectfully request the Examiner to carefully consider the listed references, and return the initialed and signed Forms PTO-1449 from each statement.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90200/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☒ Petition under 37 CFR 1.144

Respectfully submitted,



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